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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,782	02/16/2005	Thomas Talanis	2002P13033WOUS	3400

7590 01/29/2007	
Siemens Corporation Intellectual Property Department 170 Wood Avenuue South Iselin, NJ 08830	**EXAMINER** NGUYEN, PHONG H

ART UNIT	PAPER NUMBER
2109	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/29/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED .(35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _19 August 2002_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _19-38_ is/are pending in the application.

    4a) Of the above claim(s) __ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _19-38_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _19 August 2002_ is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Drawings

1.   The drawings are objected to because in Figure 2, the recitation "SubDir C2_a"

should be respectively changed to --SubDirC2_a-- for consistency; and similarly,

"SubDir C2_b" should be changed to --SubDirC2_b --. Appropriate correction is

required.

Abstract

2.   The abstract is objected to because it starts with a phrase "The invention relates

to". The abstract should not content this phase. Correction is required.

Applicant is reminded of the proper language and format for an abstract of the
disclosure.

The abstract should be in narrative form and generally limited to a single
paragraph on a separate sheet within the range of 50 to 150 words. It is important that
the abstract not exceed 150 words in length since the space provided for the abstract
on the computer tape used by the printer is limited. The form and legal phraseology
often used in patent claims, such as "means" and "said," should be avoided. The
abstract should describe the disclosure sufficiently to assist readers in deciding whether
there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information
given in the title. It should avoid using phrases which can be implied, such as, "The
disclosure concerns," "The disclosure defined by this invention," "The disclosure
describes," etc.

In line 5 of the abstract, the disclosure is objected to because of the following

informalities: "to bringing". It should be changed to -- bringing --

Specification

3.   The use of the trademark Microsoft™, Window Explorer™, Internet Explorer™

and Netscape™ have been noted in this application. It should be capitalized wherever

it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the

proprietary nature of the marks should be respected and every effort made to prevent

their use in any manner which might adversely affect their validity as trademarks.

4.   In line 8 of paragraph [0041], "section 14" should be changed to --section 13--

because the section 13 of file 11 presents about server configuration. Appropriate

correction is required.

Also the recitation "C2_B-File1.html" in line 17 paragraph [0032] and "C2_b-

File1.html" in line 11 and line 14 of paragraph [0038] should be changed to --C2_b-

file1.htm-- for consistency. Similarly, the recitation "DIR_C2" in line 5 of paragraph

[0030] should be changed to --Dir_C2--.

5.   Examiner Note: The English Translation Specification was already included

Amendments To The Specification as mentioned before.

Claim Objections

6.   **Claim 19** is objected to because of the following informalities: "the file directory

structure is held in a second file"(line 10) and "the file directory structure represents part

of the content or all of the content of the second file"(lines 11-12) merely have same

meaning. The claim language should be clear, concise and does not need to repeat the

same language twice. Appropriate correction is required.

Claim Rejections - 35 USC § 112

7.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8.   **Claims 19-38** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding **claim 19**, "first file" in line 8, lacks clear antecedent basis since it is not from the Specification and Drawings. It is not clear what "file" refers to. The recitation "first file" was only mentioned in Summary of The Invention twice (in line 1of paragraph [0009] and in line 7 of paragraph [0010]), but it was merely same claim's language that does not explain further. Additionally, "subordinate hierarchy level" in line 9 is not clear since it is unclear if it is refers to "the second hierarchy level" recited earlier (line 8).

Regarding **claim 28**, "mechanisms" in line 2 is not clear if it is refers to automation device, SPC, control system, motor or intelligent sensor (recited earlier in paragraph [0044]) or just another storage device. Clarification and/or appropriate correction are requested.

Regarding **claim 30**, "configuration data" in line 2 has no claimed antecedence. It is believed claim 30 was intended to depend on claim 26 instead of directly depending on claim 19 and has been treated as such for the remainder of this Office Action. Appropriate correction is required.

Similarly in **claim 33** and **claim 34,** "configuration data" in line 2 has no claimed

antecedence. It is believed claim 33 and claim 34 were intended to depend on claim 26

instead of directly depending on claim 19 and has been treated as such for the

remainder of this Office Action. Appropriate correction is required.

Regarding **claim 38,** "first file" in line 11 and "subordinate hierarchy level" in line

12 lacks clear antecedent basis as set forth in the rejection of claim 19 above.

Additionally, "a/the hierarchical first file directory structure" in line 1 and lines 14-15 is

unclear antecedent basis since it is not clear if it is refers to "the first file directory

structure" recited in line 4. Similarly, "the hierarchical file directory structure" in lines 17-

18 and lines 20-21 are not clear since it is unclear if they refer to "the first file directory

structure" in line 4 or "the second file directory structure" recited earlier in line 14. It is

suggested that "the hierarchical first file directory structure" should be changed to –the

first file directory structure--.

Any claim not specifically addressed above is being rejected as incorporating the

deficiencies of a claim upon which it depends.

Claim Rejections - 35 USC § 101

9.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

10.   Claims **19-38** are rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter.

In **claim 19**, an "apparatus" is being recited; however, it appears that the apparatus would be reasonably interpreted by one of the ordinary skill in the art as software, per se. The only element positively recited as part of the apparatus is the "storage". Applicant's specification provides no explicit and deliberate definition of the storage, and it appears that such would reasonably be interpreted as representative of the software that represents data index structure in an internet capable language file, especially a XML file (second file).

Claims 20-37 fail to resolve the deficiencies of claim 19, since the mechanisms, communication network, embedded device, automation device and automation system are further defined in claims 28, 29, 35, 36, 37 as "operatively connected" to the storage of the apparatus that contents second file and not part of the apparatus actually being claimed.

In **claim 38**, a method for mapping a hierarchical first file directory structure into a second file, does not give a tangible result. In order for a method claim to be considered statutory, it must possess a useful, concrete, and tangible result. As such, the storing the contents of each file directory and each file in the file directory structure is useful and concrete, however, the result never leaves the second file. Therefore, the result is not a tangible result.

Claim Rejections - 35 USC § 102

11.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

12.   **Claims 19-25, 28-29, 35-38**, as well as understood, are rejected under 35

U.S.C. 102(b) as being anticipated by Carpentier et al. (WO 01 18633 A).

For **claim 19**, Carpentier et al. teaches:

An apparatus ([Title] "system"), comprising:

a storage for storing a file directory structure having a first hierarchy level and a

second hierarchy level designed as a subordinate level of the first hierarchy level; a first

file directory situated on the first hierarchy level; a second file directory situated on the

second hierarchy level; and a first file situated on the first or the second hierarchy level

or on a subordinate hierarchy level, ([Page 2 line 3] "the file in the storage of the

computer" and [Page 16 line 22] "the folders in which the files original resided"

represents the storage of the computer stores folders and those folders store files so

the storage also stores folders and files; [Page 16 lines 21-23] represents the descriptor

file contains elements that were encrypted from the storage of the computer e.g. any

hierarchy, folders and files. So the storage of the computer stores any hierarchy, any

folders and any files resided in those folders. Therefore, it is broader than the claim that

was having only two hierarchy levels, two directories and two files.),

wherein the file directory structure is held in a second file, wherein the file

directory structure represents part of the content or all of the content of the second file,

([Page 16 lines 21-23] descriptor file works like second file in the claim),

wherein each file directory and each file of the file directory structure is listed

consecutively in the second file, ([Fig.5] Folder Name 310, 342 and File Name 320,

340, 344 were represented in the descriptor file.),

wherein each file directory and each file of the file directory structure is identified

by at least one characteristic start symbol and/or at least one characteristic end symbol,

([Fig.6A] "<" is characteristic start symbol, "</" or "/>" are characteristic end symbol)

and wherein the contents of each file directory and each file in the file directory

structure are stored in each case between the respective characteristic symbols.

([Fig.6A] contents of folder "net" and file "FtpClient.class" were stored between the

respective characteristic symbols.)

For **claim 20 and 22**, Carpentier et al. teaches "descriptor file written using an

application of XML" [Page 20 lines 4-5]. XML also is an Internet compatible language

and the descriptor file (or second file in the claim) contains the file directory structure, so

Internet compatible language or XML language is used for describing the file directory

structure.

Similarly for **claim 21**, Carpentier et al. teaches the descriptor file (or second file

in the claim) written by Extensible Markup Language (XML).

For **claim 23**, Carpentier et al. teaches that a new line is used both for each

characteristic start symbol and for each characteristic end symbol in the second file.

([Fig.6A] new line is used both for characteristic symbols "<", "</" and "/>".)

For **claim 24**, Carpentier et al. teaches the designation of the relevant file

directory or of the relevant file is used as a characteristic start symbol, and the

designation of the relevant file directory or of the relevant file is used as a characteristic

end symbol and a predeterminable character is added as a prefix. ([Fig.6A] shows

<eclipcontents>, </eclipcontents>, <hfml>, </hfml>, <folder>, </folder>). This technique

also is well known in XML art.

For **claim 25**, Carpentier et al. teaches the second file includes further sections

having other contents, said further sections being identified or separated in each case

by at least one characteristic start symbol and at least one characteristic end symbol.

([Page 19, lines 30-31] "any relevant information may automatically be added to the

descriptor file").

For **claim 28**, Carpentier et al. teaches the apparatus comprising mechanisms

for receiving and/or storing the second file via a communication network. ([Fig.15] User

Computer 972, 962 and Server Computer 974, 966 are receiving and storing the second

file, LAN and Internet 968 are communication network).

For **claim 29**, Carpentier et al. teaches the communication network is the Internet

and/or an Intranet and/or a radio connection. ([Fig.15] Internet 968 and LAN (Local Area

Network) that is also Intranet. LAN also includes "wireless" LAN that works over radio

connection).

For **claim 35, 36 and 37**, Carpentier et al. teaches the apparatus is an

embedded device or an automation device. ([Page 19, lines 18-19 and 22-24] "This

descriptor file includes meta data that identifies a software plug-in in any suitable

fashion...When files are retrieved by the software agent by using the descriptor file, the

software plug-in is identified, located and automatically installed upon the user's

computer.")

For **claim 38**, Carpentier et al. teaches:

A method ([Title] "method") for mapping a hierarchical first file directory structure into a second file, the method comprising:

providing at least one first hierarchy level and one second hierarchy level for the first file directory structure, wherein the second hierarchy level is designed as a subordinate level of the first hierarchy level; providing at least one first file directory which is situated on the first hierarchy level; providing at least one second file directory which is situated on the second hierarchy level; and providing at least one first file which is situated on one of the two hierarchy levels or on a subordinate hierarchy level , ([Page 2 line 3] "the file in the storage of the computer" and [Page 16 line 22] "the folders in which the files original resided" represents the storage of the computer stores folders and those folders store files so the storage also stores folders and files; [Page 16 lines 21-23] represents the descriptor file contains elements that were encrypted from the storage of the computer e.g. any hierarchy, folders and files. So the storage of the computer stores any hierarchy, any folders and any files resided in those folders. Therefore, it is broader than the claim that was having only two hierarchy levels, two directories and two files.),

wherein the second file directory structure, which is mapped from the hierarchical first file directory structure, represents a part of the content or all of the content of the second file; ([Page 16 lines 21-23] descriptor file works like second file in the claim)

consecutively listing each file directory and each file of the hierarchical file directory structure that must be mapped in the second file; ([Fig.5] Folder Name 310, 342 and File Name 320, 340, 344 were represented in the descriptor file.)

identifying each file directory and each file of the hierarchical file directory structure that must be mapped by at least one characteristic start symbol and/or at least one characteristic end symbol; ([Fig.6A] "<" is characteristic start symbol, "</" or "/>" are characteristic end symbol)

and storing the contents of each file directory and each file in the file directory structure that must be mapped in each case between the assigned two characteristic symbols. ([Fig.6A] contents of folder "net" and file "FtpClient.class" were mapped between the respective characteristic symbols.)

Claim Rejections - 35 USC § 103

13.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

14.   **Claim 31,** as well as understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over Carpentier et al. (WO 01 18633 A).

Regarding **claim 31**, Carpentier et al. teaches the limitations of claim 19 for reason above.

Carpentier et al. does not specifically show the apparatus can be used as a Web

server after the second file has been loaded onto the apparatus.

However Carpentier et al. discloses "Other actions that may occur include

publication on web sites." [Page 20 line 3]

Therefore, it would have been obvious to one having ordinary skill in the art at

the time the invention was made to combine the publication on web sites in Carpentier

et al. and setting web server for that web site in the same device for convenient way to

publish the website.

15.   **Claims 26, 27, 30, 32-34,** as well as understood, are rejected under 35

U.S.C. 103(a) as being unpatentable over Carpentier et al. (WO 01 18633 A) as set

forth in the rejection of claim 25 above, and further in view of Lenz (US Patent Number

6,029,196).

Regarding **claim 26 and 27**, and as set forth in the rejection of claim 25 above,

Carpentier et al. shows second file having further sections as claimed.

Carpentier et al. does not specifically show configuration data or result codes

and/or error codes are stored in the further sections of the second file.

However Lenz discloses, "The file...contains information for setting the client's

lock files, e.g. preferences, configuration information..."[Column 1, lines 58-60].

Configuration information represents configuration data. Preferences represent any

information about that client which includes result data or error data of that client.

Therefore, it would have been obvious to one having ordinary skill in the art at

the time the invention was made to combine the teachings of Lenz about configuration

data, result codes or error codes with Carpentier et al. to obtain convenient way to store

configuration data, result codes or error codes or any information about client in one file

so "a system administrator with ability to configure every client in the network with one

file" [Abstract].

Regarding **claim 30**, and as set forth in the rejection of claim 26 for reason

above, Carpentier et al. does not specifically show a configuration of the apparatus,

using the configuration data which is present in the second file, can be carried out

automatically after the second file has been loaded onto the apparatus.

However, Lenz discloses, "The configuration of the network clients is performed

during runtime, is automatic... the configuration file that is used by the client to

configure its system." [Abstract]

Therefore, it would have been obvious to one having ordinary skill in the art at

the time the invention was made to combine the teachings of Lenz about automatically

configuration data with Carpentier et al. to obtains convenient way "to configure every

client in the network with one file" [Abstract].

Regarding **claim 32 and 33**, and as set forth in the rejection of claim 30 for

reason above, Carpentier et al. does not specifically show that the update of the file

directory structure or configuration data can be carried out by overwriting an original file

version of the second file with a new file version.

However, Lenz discloses, "An automatic client configuration system provides a

system administrator with the ability to configure every client in a network with one file

which resides on the server, and which contains information for setting the client's lock

files, preferences, configuration information, and software versions... If the server

determines that any of the clients need files updates, it sends the files to specific client,

which replaces the existing files with new files sent by server. " [Abstract]. That

represents server configured any client by only one file (second file in the claim) and the

configuration includes updating any files, folders, file directory structure, configuration

data and that configuration also can be carried out automatically by overwriting that one

file (second file in the claim) by new file sent by server.

Therefore, it would have been obvious to one having ordinary skill in the art at

the time the invention was made to combine the teachings of Lenz with Carpentier et al.

to obtains a convenient way to update file structure and configuration in device.

Regarding to **claim 34**, it was rejected as same reason in claim 33 because "the

previously set of configuration data can automatically be checked and adapted" has the

same meaning that configuration data also can be updated automatically after the

second file has been updated.

Conclusion

16.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Pillai et al. (Pub. No. US 2002/0129000 A1) teaches method and system for

providing a name space to a computer program.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Phong Nguyen whose telephone number is 571-270-
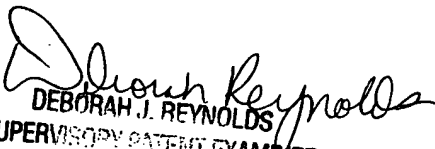
1766. The examiner can normally be reached on Monday-Friday, 7:30am - 5:00pm

EST Alt Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Deborah Reynolds can be reached on 571-272-4919. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PN

10 January 2007

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